



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

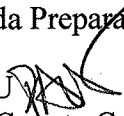
MARK J. SALADINO
County Counsel

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TELEPHONE
(213) 974-1861
FACSIMILE
(213) 229-9924
TDD
(213) 633-0901
E-MAIL
pwu@counsel.lacounty.gov

TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Los Angeles Flood Control District v. PCS/Bella Vita, LLC
Los Angeles Superior Court Case No. BC 516 384

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is the Case Summary to be made available to the public.

It is requested that this recommendation and the Case Summary be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Los Angeles County Flood Control District v. PCS/Bella Vita, LLC, Los Angeles Superior Court Case No. BC 516 384, whereby the County will receive payment in the amount of \$300,000.

This lawsuit concerns the recovery of unpaid rent, plus late fees by the Los Angeles County Flood District, Department of Public Works, from PCS/Bella Vita, LLC, related to a breach of contract.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|---|
| CASE NAME | Los Angeles County Flood Control District v. PCS/Bella Vita, LLC |
| CASE NUMBER | BC 516384 |
| COURT | Los Angeles County Superior Court, Stanley Mosk Courthouse |
| DATE FILED | July 25, 2013 |
| COUNTY DEPARTMENT | Department of Public Works |
| PROPOSED SETTLEMENT AMOUNT | \$ 300,000 |
| ATTORNEY FOR DEFENDANT | Robert A. Gookin Russ, August, & Kabat, LLP |
| COUNTY COUNSEL ATTORNEY | Erik J. Conard Senior Associate County Counsel |
| NATURE OF CASE | <p>This action involves a lease by defendant PCS/Bella Vita, LLC ("PCS") of property owned by the Los Angeles County Flood Control District ("District"). PCS breached the lease when it stopped making payments in August of 2011.</p> <p>PCS claims it relied on the District's promises that the Lease would be terminated due to the development of a park on the leased property when it distributed all its assets and stopped paying rent. PCS is now an insolvent corporation with nominal assets from which any judgment could be paid.</p> <p>Due to the risks and uncertainties of litigation and collection efforts, settlement of this case by accepting the sum of \$300,000 from PCS is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 16,077 |
| PAID COSTS, TO DATE | \$ 2,070 |